



CRM-M-32461-2024 (O&M)

1

128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32461-2024 (O&M)

Date of Decision: 04.09.2024

SACHIN KUMAR

.....PETITIONER

Vs.

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Randhir S. Hooda, Advocate,
for the petitioner.

HARPREET KAUR JEEWAN J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. for quashing of the impugned order, dated 23.05.2024 (Annexure P-1), passed by the learned Additional Sessions Judge/Fast Track Special Court for the offences under the Protection of Children from Sexual Offences, Act, 2012, Gurugram, in Sessions case No. SC-803-2021, titled State vs. Sachin Kumar, whereby the application moved by the petitioner under the provisions of Section 311 Cr.P.C seeking recall of the investigation officer for his re-examination, was dismissed.

2. A copy of the deposition sheet of the investigating officer as PW-9 and a certified copy of the application filed under Section 311 Cr.P.C. have been supplied in Court today by counsel for the petitioner. The same are taken on record.

3. I have heard learned counsel for the petitioner.

4. While dismissing the application under Section 311 Cr.P.C., the trial Court has observed that the testimony of PW-9, investigating officer



CRM-M-32461-2024 (O&M) 2

L/SI Mukesh was recorded on 01.02.2024 and she has been duly cross-examined by the defence counsel and the testimony of the said witness runs into five pages. When the matter was fixed for defence evidence, the new counsel was engaged and thereafter, the instant application was filed. The trial Court observed that mere change of counsel would not furnish any cause of action to the defence to recall any prosecution witness.

5. A perusal of the application filed on behalf of the petitioner under Section 311 Cr.P.C. indicates that no reason has been mentioned while making a request for recalling the investigating officer for his re-examination. As per the provisions of Section 311 Cr.P.C., no doubt a witness can be recalled and re-examined, however, such an order for recalling the witness can be passed if her/his evidence is found to be essential for the decision of the case.

6. In view of the fact that the testimony of the investigating officer has already been recorded as PW-9 and she has been cross-examined at length, in such circumstances, the trial Court had rightly dismissed the application filed under Section 311 Cr.P.C.

7. No ground for interference is made out.

8. Consequently, the petition stands dismissed.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

September 04, 2024 (HARPREET KAUR JEEWAN)
nitin JUDGE

Whether Speaking	Yes
Whether reportable	No